

RESOLUTION NO. 09-63

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO A BUS SHELTER EASEMENT AGREEMENT WITH THE NIMA PLAZA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHEREIN THE CITY OF HIALEAH AND ITS LICENSEE ARE GRANTED AN EASEMENT FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE AND REPAIR OF A TRANSIT OR BUS PASSENGER SHELTER AT A LOCATION FRONTING THE WEST SIDE OF WEST 16 AVENUE, BETWEEN WEST 53RD TERRACE AND WEST 55TH STREET, HIALEAH, FLORIDA, HAVING DIMENSIONS OF 18 FEET IN LENGTH AND 2.50 FEET IN WIDTH, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1".

WHEREAS, the City of Hialeah finds it in the best interest of the health, safety, welfare of the community to provide transit or bus passenger shelter through agreements with private property owners that allow for the construction, operation, maintenance and repair of such shelters on private property fronting major city thoroughfares.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a bus shelter easement agreement with Nima Plaza, LLC, a Delaware limited liability company, wherein the City of Hialeah and its licensee are granted an easement for the construction, installation, operation, maintenance and repair of a transit or bus passenger shelter at a location

fronting the west side of West 16 Avenue, between West 53rd Terrace and West 55th Street, Hialeah, Florida, having dimensions of 18 feet in length and 2.50 feet in width, a copy of which is attached hereto and made a part hereof as Exhibit "1".

PASSED AND ADOPTED this 26th day of May, 2009.



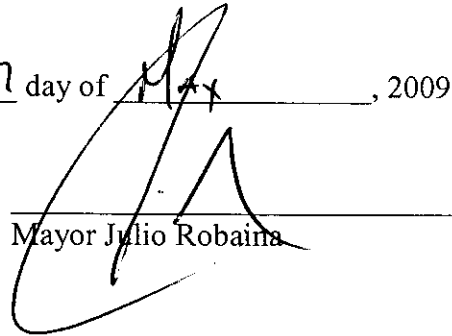
Carlos Hernandez
Council President

Attest:

Approved on this 27 day of May, 2009.

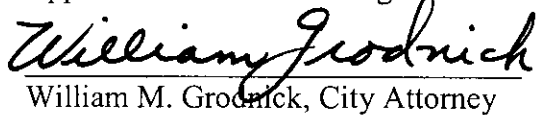


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".



CFN 20090457628
OR Bk 26915 Pgs 1851 - 1854; (4pgs)
RECORDED 06/24/2009 14:55:32
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Document prepared by:
William M. Grodnick, Esq.
City of Hialeah
501 Palm Avenue, 4th Floor
Hialeah, Florida 33010
Tele: (305) 883-5854
Folio No. 04-2035-071-0020
Return to same address as above.

GRANT OF EASEMENT FOR PUBLIC TRANSIT BUS SHELTER

THIS INDENTURE, made this 1 day of MAY, 2009, between NIMA PLAZA, LLC, a Delaware corporation, duly registered to do business in the State of Florida, whose mailing address is c/o Nilo Ventura, Jr., 6500 Cowpen Road, Ste. 102, Miami Lakes, Florida 33014, hereinafter called GRANTOR, and THE CITY OF HIALEAH, FLORIDA, a political subdivision of the State of Florida, whose mailing address is Office of the City Clerk, 501 Palm Avenue, 3rd Floor, Hialeah, FL 33010, hereinafter called GRANTEE

WITNESSETH:

That, the Grantor, in consideration of the payment of \$10.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Grantee, its agents, successors and assigns, an easement to construct, erect, install, operate, maintain and repair a public transit bus shelter for the benefit of the general public with full rights of ingress and egress in, on, and over a portion of the property of the Grantor described as follows in the survey drawing, copy of which is attached and made part of this easement:

See attached Exhibit "A"

It is further acknowledged that Grantor grants the exclusive right to allow any other person, firm or corporation, for the benefit of Grantee, to construct, erect, install, operate, maintain and repair the public transit bus shelter, and specifically Clear Channel Outdoor, Inc., as exclusive licensee with the right to install and operate public transit bus shelters pursuant to Hialeah, Fla., Resolution 02-15 (March 21, 2002) or any successor corporation that is granted a license by Grantee to install and operate public transit bus shelters.

The Grantor does hereby fully warrant that it has good title to the above described property and that it has full power and authority to grant this easement and the easement is accepted by Grantee. The grant of this easement shall in no way restrict the right and interest of the Grantor in the use and quiet enjoyment of the affected property for all other purposes except as herein granted.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on this 1 day of MAY 2009.

Signed, sealed and delivered in the presence of:

NIMA PLAZA, LLC
6500 Cowpen Road, Ste. 102
Miami Lakes, FL 33014

[Signature]
Witness (2 witnesses required)
Typed/Printed Name: Nayelin

[Signature]
Typed/Printed Name: NILO VENTURA JR
Title: Managing Member
(SEAL)

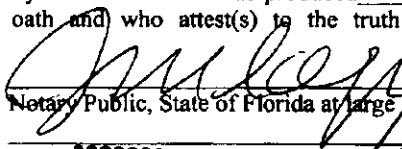
Witness
Typed/Printed Name: Yunesty Fernandez

Reso-0963

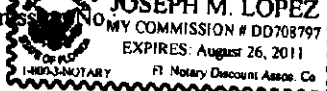
State of Florida

County of Miami-Dade, Florida

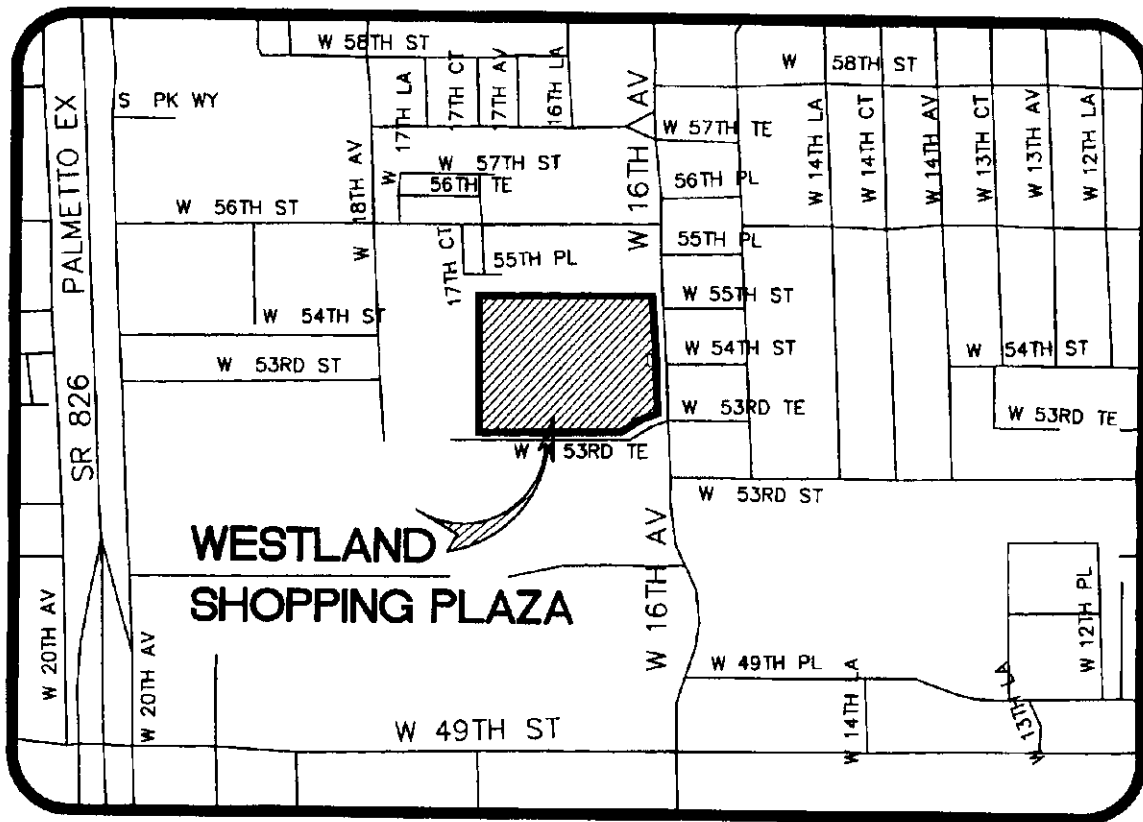
The foregoing instrument was acknowledged before me on this 1 day of May, 2009 by Milo Ventres as Managing Member of NIMA PLAZA, LLC, on behalf of the limited liability corporation, who is personally known to me or has produced License as identification and did (did not) take an oath and who attest(s) to the truth and accuracy of the representations contained herein.


Notary Public, State of Florida at large

Name Joseph M. Lopez
Commission No. DD708797



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LOCATION MAP

NOT TO SCALE

A PORTION OF SECTION 35, TOWNSHIP 52 SOUTH, RANGE 40 EAST.

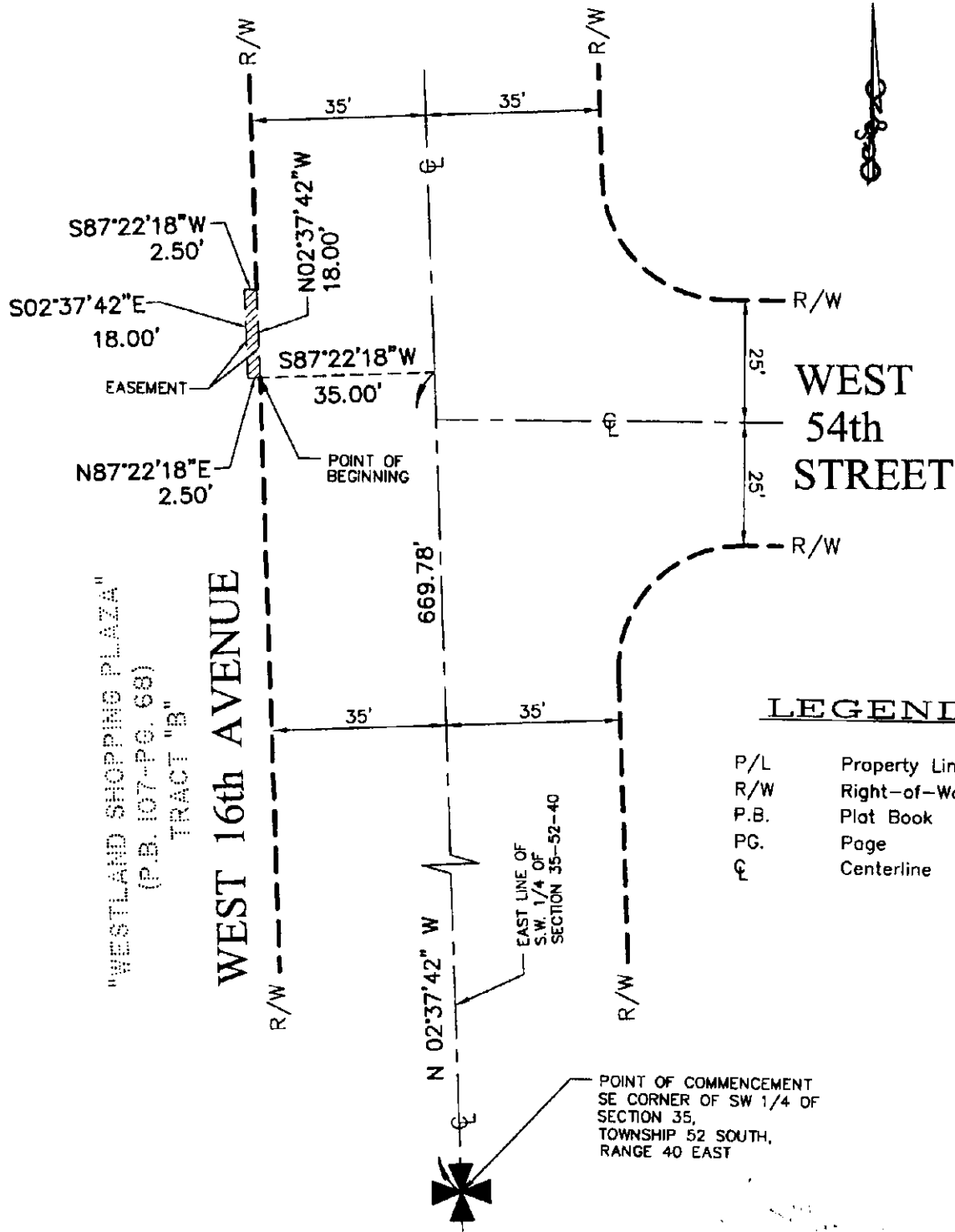
LEGAL DESCRIPTION:

Commence at the Southeast Corner of the S.W. $\frac{1}{4}$ of Section 35, Township 52 South, Range 40 East of the Public Records of Miami-Dade County, Florida; thence run North 02°37'42" West along the Centerline of West 16th Avenue that is the East line of the S.W. $\frac{1}{4}$ said Section 35, Township 52 South, Range 40 East of the Public Records of Miami-Dade County, Florida, for a distance of 669.78 feet to a point, thence run South 87°22'18" West for a distance of 35.00 feet to the point on the West Right-of-Way Line of West 16th Avenue that is the POINT OF BEGINNING of the Easement; thence run North 02°37'42" West for a distance of 18.00 feet to a point; thence run South 87°22'18" West for a distance of 2.50 feet to a point; thence run South 02°37'42" East for a distance of 18.00 feet to a point; thence run North 87°22'18" East for a distance of 2.50 feet to the POINT OF BEGINNING, containing an area of 45 square feet, more or less.

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|----------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--|------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| NO. 1234 | REVISION | Aviño & ASSOCIATES 8800 SW 57th Avenue Suite 307 Miami, Florida 33144 TEL: 305 555-1000 - FAX: 305 555-1005 CERTIFICATE OF AUR-CERTIFICATION 88-1-3018 EMAIL: JAVINO@AVINOANDASSOCIATES.COM | WESTLAND SHOPPING PLAZA BUS SHELTER SKETCH OF EASEMENT | | JOHN R. AVINO, P.E., P.S.M. JOB No.: 08108.00 | DRAWN BY: J.A.S. CHECKED BY: J.A.S. DATE: 04/20/2009 SCALE: 1"=30' SHEET 1 OF 2 SHEETS |
| | | | | | | |

EXHIBIT "A"

A PORTION THE SW 1/4 OF SECTION 35-52-40



LEGEND

P/L Property Line
R/W Right-of-Way Line
P.B. Plat Book
PG. Page
CL Centerline

NOTES:
1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF WEST 16TH AVENUE, AS SHOWN.

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------|----------------------------------|
| Aviño & Associates 2800 E. 17th Avenue Suite 101 West Mesa, Florida 33414 TEL: 305-285-1030 - FAX: 305-285-1038 CERTIFICATE OF AUTHORIZATION LB # 5018 EMAIL: JAVI@AVIANDASSOCIATES.COM | WESTLAND SHOPPING PLAZA BUS SHELTER SKETCH OF EASEMENT | | DRAWN BY: R.A.S. CHECKED BY: A.R.A. DATE: 04/20/2009 SCALE: 1"=30' JOB No.: 09108.00 | SHEET 2 OF 2 SHEETS |
| | DATE: 04/20/2009 SCALE: 1"=30' JOB No.: 09108.00 | | | |

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